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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,256	01/05/2001	David D. Kloba	1933.001000A	3653

26111 7590 10/26/2004

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EXAMINER

BATES, KEVIN T

ART UNIT PAPER NUMBER

2155

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,256

Applicant(s)

KLOBA ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8-31-04</u> . | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

This Office Action is in response to a communication made on August 3, 2004.

The Information Disclosure Statement was received on August 31, 2004.

Claims 1-24 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wecker (6311058) in view of Lee (6493758).

Regarding claims 1, 9, and 17, Wecker discloses a method of performing script operations for mobile devices (Column 2, lines 20 – 24), comprising the steps of: (1) sending a request for at least one object (Column 2, lines 57 – 62); (3) receiving said at least one object; and (4) receiving at least one script related to said at least one object (Column 3, lines 64 – 65), but Wecker does not explicitly indicate the step of (2) sending a list of supported script languages. Lee teaches a system that requests objects from a server and received objects and code in return (Column 4, lines 36 – 45). The system includes the steps of sending a to the server a request including one or more specification about what language or script that the response should include (Column 4, lines 36 – 56; Column 5, lines 28 – 39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Lee's teaching of

informing the server of which language or languages the client is expecting in the servers response, in Wecker's system in order to optimize the communication and results between a client and a server by allowing the client to request a more appropriate response (Column 6, lines 46 – 67).

Regarding claims 2, 10, and 18, Wecker in combination with McLain discloses the step of: (5) storing said at least one object and said at least script (Wecker, Column 8, lines 56 – 59).

Regarding claims 3, 11, and 19, Wecker in combination with McLain discloses the steps of: (5) accessing said at least one object; (6) executing said at least one script related to said at least one object (Wecker, Column 4, lines 35 – 44).

Regarding claims 4, 12, and 20, Wecker in combination with McLain discloses the steps of: (a) determining said at least one script's language; (b) interpreting said at least one script based on said language (Wecker, Column 9, lines 55 – 63); (c) receiving page specific global objects; and (d) forwarding said page specific global objects (Wecker, Column 9, lines 59 – 63).

Regarding claims 5, 13, and 21, Wecker in combination with McLain discloses the step of: (i) compiling said at least one script (Wecker, Column 4, lines 35 – 40).

Regarding claims 6, 14, and 22, Wecker in combination with McLain discloses the step of: (5) updating at least one property based on operation of said at least one script (Wecker, Column 3, lines 11 – 14).

Regarding claims 7, 15, and 23, Wecker in combination with McLain discloses the steps of: (a) accessing at least one property associated with page specific global

objects (Wecker, Column 2, line 64 – Column 3, line 10); (b) updating said at least one property; and (c) storing said at least one property (Wecker, Column 4, lines 21 – 27).

Regarding claims 8, 16, and 24, Wecker in combination with McLain discloses that the step of: receiving information representing said at least one script wherein said information is accessed instead of said at least one script (Wecker, Column 3, lines 2 – 5; Column 10, lines 1 – 13).

Response to Arguments

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6266681 issued to Gurthrie, because it discloses adding code in with objects and responses from a server in a wireless environment.

U. S. Patent No. 6496979 issued to Chen, because it discloses determining the supported features of a device in a client-server system and using that information to adjust server responses.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 21, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER